


Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼		RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): KURT L. VAN VOORHIES		2. Name and address of receiving party(ies) WEST VIRGINIA UNIVERSITY Name: _____ Internal Address: _____ _____ Street Address: 886 Chestnut Ridge Road _____ City: Morgantown State: WV Zip: 26506-6845			
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		Execution Date: 7/02/02			
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) _____ B. Patent No.(s) 6,028,558 6,204,821 Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed: Name: Kirk D. Houser Internal Address: _____ Eckert Seamans Cherin & Mellott, LLC _____ Street Address: 600 Grant Street, 44th Floor _____ City: Pittsburgh State: PA Zip: 15219		6. Total number of applications and patents involved: 10 7. Total fee (37 CFR 3.41).....\$ 400.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: 02-2556 (Attach duplicate copy of this page if paying by deposit account)			
DO NOT USE THIS SPACE					
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> Kirk D. Houser Name of Person Signing _____ Signature  Date July 11, 2002 Total number of pages including cover sheet, attachments, and documents: 10					


Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

Cont.

A. Patent Application No.(s)

B. Patent No.(s)

08/514,610
60/056,610
09/136,543
09/344,162
PCT/US96/13125
PCT/US98/17185
PCT/US98/17314
PCT/US99/07591

Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings $\Rightarrow \Rightarrow \Rightarrow$		RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): KURT L. VAN VOORHIES Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			2. Name and address of receiving party(ies) WEST VIRGINIA UNIVERSITY Name: _____ Internal Address: _____ Street Address: 886 Chestnut Ridge Road City: Morgantown State: WV Zip: 26506-6845 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: 7/02/02			4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) _____ B. Patent No.(s) 6,028,558 6,204,821 Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: Kirk D. Houser Internal Address: _____ Eckert Seamans Cherin & Mellott, LLC Street Address: 600 Grant Street, 44th Floor City: Pittsburgh State: PA Zip: 15219			6. Total number of applications and patents involved: 10 7. Total fee (37 CFR 3.41).....\$ 400.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: 02-2556 (Attach duplicate copy of this page if paying by deposit account)		
DO NOT USE THIS SPACE					
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> Kirk D. Houser Name of Person Signing </div> <div style="text-align: center;">  Signature </div> <div style="text-align: center;"> July 11, 2002 Date </div> </div>					
Total number of pages including cover sheet, attachments, and documents: 10					

Mail documents to be recorded with required cover sheet information to:
 Commissioner of Patents & Trademarks, Box Assignments
 Washington, D.C. 20231

ASSIGNMENT

WHEREAS, KURT L. VAN VOORHIES, an individual, residing at P.O. Box 68, 20031 E. M-134, De Tour Village, Michigan 49725 ("Assignor"), is the purported owner of the entire worldwide right, title, and interest in and to the Applications for Letters Patents, the Letters Patents, and the inventions and improvements disclosed therein as set forth on the attached Schedule A;

WHEREAS, KURT L. VAN VOORHIES, is the sole inventor of said inventions and improvements;

WHEREAS, WEST VIRGINIA UNIVERSITY, having a principal place of business at 886 Chestnut Ridge Road, Morgantown, West Virginia 26506-6845 ("Assignee"), is desirous of perfecting its title in and/or removing cloud from said title and/or acquiring the entire worldwide right, title, and interest in and to said Applications and Patents and the inventions and improvements disclosed therein as set forth on the attached Schedule A;

WHEREAS, The United States District Court for the Northern District of West Virginia entered a final judgment that WEST VIRGINIA UNIVERSITY is the owner, *inter alia*, of the technology underlying United States Patent Application Serial Nos. 08/486,340; 08/514,609; and 08/514,610, The University of West Virginia Board of Trustees v. Kurt L. Van Voorhies, 84 F.Supp.2d 759 (N.D.W.Va 2000), *aff'd* 278 F.3d 1288 (Fed. Cir. 2002); and

WHEREAS, KURT L. VAN VOORHIES does not dispute said final judgment and is desirous of assigning, selling, transferring, and setting over unto said Assignee free and clear of any security interest the entire worldwide right, title, and interest in and to said Applications and Patents and the inventions and improvements disclosed therein as set forth on the attached Schedule A;

NOW, THEREFORE, in accordance with said final judgment, Assignor does hereby assign, sell, transfer, and set over unto said Assignee free and clear of any security interest the entire worldwide right, title, and interest in and to said Applications and Patents and the inventions and improvements disclosed therein for the United States and all foreign countries and any Patent which may issue therefor in the United States and all foreign countries and all divisions, reissues, continuations, continuations-in-part, renewals, and/or extensions thereof including all priority rights under the International Convention associated therewith for each country and the Union, said Assignee to have and to hold the interests herein assigned to the full ends of the terms of said Patents and any and all divisions, reissues, continuations, continuations-in-part, renewals, and/or extensions thereof, respectively, as fully and entirely as the same would have been held and enjoyed by Assignor had this assignment not been made.

The Commissioner of Patents and Trademarks and foreign counterparts thereof are requested to issue such Patents in accordance herewith. Assignor covenants that he is the sole inventor of said Applications and Patents and the inventions and improvements disclosed therein, that the same are unencumbered, and that Assignor has the full right to make this assignment.

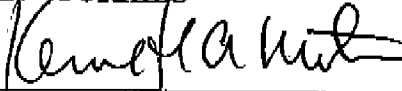
Assignor further covenants that Assignor will promptly provide Assignee with full and complete copies of all files for said Applications and Patents, and that Assignee will, upon its request, be provided promptly with all pertinent facts and documents relating to said Applications and Patents and the inventions and improvements disclosed therein and legal equivalents in any country or region as may be known and accessible to Assignor and will testify as to the same in any proceeding, interference, civil action or litigation related thereto and will promptly execute and deliver to Assignee or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, perfect title in, maintain, issue and enforce said Applications and Patents and the inventions and improvements and said equivalents thereof in any country or region which may be necessary or desirable to carry out the purposes thereof.

This assignment shall be binding upon the heirs, successors and assigns of said Assignor and shall inure to the benefit of the successors and assigns of said Assignee.

IN WITNESS WHEREOF, Assignor has executed this instrument this 2nd day of July, 2002.

KURT L. VAN VOORHIES

By:


 [Signature]

KURT L. VAN VOORHIES

 District of Columbia
 STATE OF

COUNTY OF

 On this 3rd day of July, 2002, before me, a

Notary Public, personally appeared KURT L. VAN VOORHIES to me personally known as the individual who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

[NOTARIAL SEAL]


 Notary Public

 MY COMMISSION EXPIRES
 APRIL 14, 2004

- 2 of 3 -

SCHEDULE A

COUNTY/REGION	APPLICATION NO.	FILING DATE	PATENT NO.	ISSUE DATE
United States (US)	08/486,340	June 7, 1995	6,028,558	February 22, 2000
United States (US)	09/377,269	August 19, 1999	6,204,821	March 20, 2001
United States (US)	08/514,610	August 14, 1995		
United States (US)	60/056,610			
United States (US)	09/136,543			
United States (US)	09/344,162			
Australia (AU)	60904/96	June 6, 1996	699283	March 11, 1999
New Zealand (NZ)	310166	January 6, 1998	310166	May 12, 2000
Poland (PL)	P-323869	June 6, 1996	180556	August 14, 2000
Russian Federation (RU)	98100259	June 6, 1996	2170996	July 20, 2001
Singapore (SG)	9706226.9	June 6, 1996	53450	February 22, 2000
Republic of Korea (KR)	709145/97	December 8, 1997		
European Region (EP)	96918191.6	June 6, 1996		
Hong Kong	98110980.4	September 25, 1998		
Brazil (BZ)	PI9609058.8	June 6, 1996		
Canada (CA)	2,223,244	December 2, 1997		
Peoples Republic of China (CN)	96195363.2	June 6, 1996		
Czech Republic (CZ)	PV 3920-97	December 5, 1997	287680	March 5, 2001
Czech Republic (CZ)	2000-3310	September 11, 2000	289371	November 12, 2001
Hungary (HU)	P9900859	December 5, 1997		
Israel (IL)	122470	December 5, 1997		
Japan (JP)	9-501518	June 6, 1996		
Mexico (MX)	97.9916	December 5, 1997	200812	February 8, 2001
Mexico (MX)	010769	November 1, 2000		
Patent Cooperation Treaty	PCT/US96/13125	August 14, 1996		
Patent Cooperation Treaty	PCT/US98/17185	August 19, 1998		
Patent Cooperation Treaty	PCT/US98/17314	August 20, 1998		
Patent Cooperation Treaty	PCT/US99/07591	April 6, 1999		
Canada (CA)	2327739	April 6, 1999		
Australia (AU)	68456/96	August 14, 1996		
Australia (AU)	89150/98	August 19, 1998		
Australia (AU)	91112/98	August 20, 1998		
Australia (AU)	40688/99	April 6, 1999		
European Region (EP)	99924109	April 6, 1999	1084521	March 21, 2001
Peoples Republic of China (CN)	99804862	April 6, 1999	1296650	May 23, 2001
Republic of Korea (KR)	711156/00	October 6, 2000	2001034757	April 25, 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

THE UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES,
Plaintiff,

v.

CIVIL ACTION NO. 1:97 -CV-144
(BROADWATER)

KURT L. VANVOORHIES,
Defendant,

v.

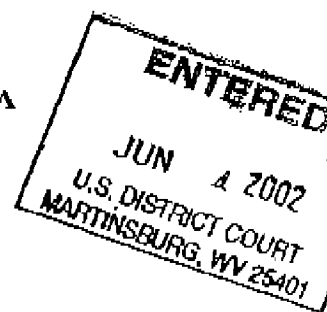
WEST VIRGINIA UNIVERSITY
RESEARCH CORPORATION, et al.,
Third-Party Defendants.

ORDER GRANTING RULE 70 RELIEF

The above styled matter is now before the Court for consideration of the Plaintiff's Motion for Expedited Relief Under Rule 70 of the Federal Rules of Civil Procedure and Request for Taxation of Costs.¹

On May 25, 2000 this Court entered an Order awarding the plaintiff the relief prayed for in the Complaint and directing the defendant to execute assignments of the subject patents and applications to WVU. The defendant filed an appeal and the case was heard by the United States Court of Appeals for the Federal Circuit. On January 30, 2002, the Federal Circuit rendered its opinion affirming this Court's rulings. To date the defendant has failed to execute the assignments as ordered by this Court.

¹ Because the Court believes that the request for taxation of costs should be bifurcated from the request for relief under Rule 70, this Order will only address the issue of relief under Rule 70.



Therefore, pursuant to Rule 70 of the Federal Rules of Civil Procedure, the Court hereby **GRANTS** the plaintiff's Motion for Expedited Relief Under Rule 70 and **ORDERS** the defendant's attorney, Kenneth Martin, to execute forthwith the assignments provided to the defendant on March 12, 2002. Once Mr. Martin has executed the assignments, they shall have like effect as if executed by the defendant, Kurt VanVoorhies, himself.

The Clerk is directed to transmit true copies of this Order to all counsel of record herein.

DATED this 4th day of June 2002.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

ENTERED

JUL 3 2002

U.S. DISTRICT COURT
MARTINSBURG, WV 25401

THE UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES,
Plaintiff,

v.

CIVIL ACTION NO. 1:97-CV-144
(BROADWATER)

KURT L. VANVOORHIES,
Defendant,

FILED

JUL 2 2002

v.

U.S. DISTRICT COURT
MARTINSBURG WV 25401

WEST VIRGINIA UNIVERSITY
RESEARCH CORPORATION, et al.,
Third-Party Defendants.

ORDER OF STATUS CONFERENCE

On July 2, 2002, the above styled matter came before the Court for a Status Conference. The plaintiff was present by counsels, David E. Tungate and Jeffery Ray. The defendant was present by telephone and by counsels, William A. Kolibash, Kenneth A. Martin and Bill Dunn.

The Court began the conference by allowing the parties to address the defendant's Motion for Relief Under Rule 59 and 60 and in the Alternative, to Stay Pending Appeal.¹ Upon conclusion of the parties arguments, the Court found that the three assignments at issue included patents that were part of the litigation in this matter. The Court further found that the patent assignments should be executed immediately by counsel for the defendant, Kenneth Martin, as ordered by the Court in its June 4, 2002 Order. Therefore, the Court **ORDERED** that the defendant's Motion for Relief Under Rule 59 and 60 and in the Alternative Motion for Stay


¹Doc. #354.

Pending Appeal be **DENIED**.²

The Court then addressed the plaintiff's pending motion for costs. The Court informed the parties that it would resolve the costs issue separately in another order. The Court further **DENIED** the defendant's oral motion for costs related to the filing of the patents that were subject of the reconsideration motion. However, the Court informed the defendant that he could file a written motion on the issue for further consideration by the Court.

The Clerk is directed to transmit true copies of this Order to all counsel of record herein.

DATED this 20th day of July 2002.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE

²Doc. #354.

PTO/SB/97 (12-97)
Approved for use through 9/30/00. OMB 0651-0021
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

ATTN: Assignment Division Fax: 703-306-5995

Certificate of Transmission under 37 CFR 1.8

TOTAL PAGES ATTACHED: 11

I hereby certify that this correspondence is being facsimile transmitted to the
Patent and Trademark Office

on July 11, 2002
Date


Signature

Denise Bagnato

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Attorney: Kirk D. Houser Phone 412.566.6083
Fax 412.566.6099
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor - Pittsburgh, PA 15219

Enclosed: Recordation Form Cover Sheet w/attachment, Assignment w/attachment, Order Granting
Rule 70 Relief, Order of Status Conference

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.